

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IN RE COMMVAULT SYSTEMS, INC.  
SECURITIES LITIGATION

Civil Action No. 14-5628 (PGS)(LHG)

**ORDER OF  
DESIGNATION OF MEDIATOR**

**THIS MATTER** having come before the Court on **May 31, 2017**, via a letter from James A. Harrod., Esq., of Bernstein Litowitz Berger & Grossmann LLP advising of the parties' agreement to mediate this matter; and the Court having adopted Local Civil Rule 301.1 and Appendix Q, and this Rule having established a program for mediation of civil actions; and it appearing that mediation of this civil action would conserve resources; and be in the best interests of the Court and of the parties; and the parties having consented to the submission of this matter to mediation; and for good cause shown,

**IT IS** on this **13<sup>th</sup>** day of **June, 2017**,

**ORDERED** that this matter shall be, and hereby is, referred to mediation consistent with the aforementioned Rule; and it is further

**ORDERED** that counsel and the parties shall participate in mediation beginning on **August 17, 2017**. The Court designates Robert A. Meyer, Esq., as mediator in this case; and it is further

**ORDERED** that counsel and the parties, including individuals with settlement authority, shall participate in the mediation sessions as requested by the mediator; and it is further

**ORDERED** that the mediator may meet with counsel and parties jointly or *ex parte*. All information presented to the mediator shall be deemed confidential and shall be disclosed by the mediator only upon consent of counsel, except as necessary to advise the Court of an apparent failure to participate. The mediator shall not be subject to subpoena by any party. No statements made or documents prepared for mediation sessions shall be disclosed in any subsequent proceeding or be construed as an admission against interests; and it is further;

**ORDERED** that all proceedings in this civil action are hereby stayed for a period of 90 days from the date of this Order, except that discovery as an aid to mediation may be conducted

as agreed to by the mediator and counsel. Any discovery conducted shall be limited to the exchange of those documents necessary to facilitate mediation; and it is further

**ORDERED** that counsel shall notify the Court of the outcome of the mediation within 5 days after the mediation has concluded.



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LOIS H. GOODMAN  
United States Magistrate Judge